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**FISCAL IMPACT STATEMENT**

**LS 7204**

**BILL NUMBER:** SB 463

**NOTE PREPARED:** Jan 6, 2013

**BILL AMENDED:**

**SUBJECT:** Fish and Wildlife Rulemaking.

**FIRST AUTHOR:** Sen. Waterman

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State

**Summary of Legislation:** This bill establishes the Hunting, Fishing, and Trapping Commission (HFT Commission). The bill provides the HFT Commission with authority over fish and wildlife laws. It provides that before a final fish or wildlife rule is adopted, the proposed rule must be approved by the HFT Commission and receive final approval from the Director of the Department of Natural Resources (DNR). The bill provides that the Natural Resources Commission does not have responsibility for duties given to the HFT Commission.

The bill repeals provisions establishing the Advisory Council to the Bureau of Water and Resource Regulation and the Bureau of Lands and Cultural Resources. It also makes conforming changes.

**Effective Date:** July 1, 2013.

**Explanation of State Expenditures:** *Summary:* The bill eliminates a 12-member advisory council that is required to meet at least six times per year and establishes a 7-member commission that is required to meet at least once each year. The bill may result in a small savings depending on the number of meetings the Commission actually holds. The bill also establishes a procedure to select nominees for vacancies occurring on the Commission that would have an indeterminate fiscal impact on the DNR.

**Additional Information:** *Fishing, Hunting, and Trapping Commission:* The bill establishes the Fishing, Hunting, and Trapping Commission consisting of 7 members: 2 state employees, and 5 residents. Members of the Commission are entitled to receive traveling expenses that are necessarily incident to the performance of official functions. The Commission must hold at least one meeting every calendar year. The expenses of the

Commission will depend on the number of meetings held and the travel expenses incurred by the members.

*Selection of Resident Members of the Commission:* The resources required to meet this requirement would depend on the number and frequency of vacancies on the Commission. At a minimum, the procedure would be required once every year. The DNR would have publication expenses, staff time, and potentially travel expenses associated with this provision.

The bill establishes five wildlife districts in the state composed of specified counties and requires that each district be represented by one of the five resident members of the Commission. The resident member must be a sportsman. The bill defines “sportsman” as an Indiana resident of the affected wildlife district who has held a license to hunt, fish, or trap for at least two consecutive years. (The bill does not require a current license nor does it specify a time frame for the two consecutive years.) The bill requires the Governor to appoint the members to initial staggered terms and specifies the length of the term by the specific wildlife district the appointee represents.

The bill specifies that when a vacancy occurs on the Commission, the Director or the Director’s designee is required to call a meeting of sportsmen in the affected wildlife district within 10 days after the vacancy occurs for the purpose of voting to select a list of three nominees to fill the vacant position. The bill requires the DNR to publish a meeting notice under the requirements of the Indiana Open Door Law. Sportsmen present at the meeting are eligible to vote for the nominees. The bill would require the DNR to determine those persons attending the meeting that meet the definition of “sportsman” and would therefore be eligible to vote for a nominee. The names of the nominees with the three highest vote totals are to be given to the Governor no later than 40 days after the vacancy occurs. The Governor shall select and appoint one of the nominees to fill the vacancy. The bill does not specify how long the Governor has to make the appointment. The DNR would have publication expenses, staff time, and potentially travel expenses associated with this provision. The level of resources required to meet this requirement would depend on the number and frequency of vacancies on the Commission. The bill provides that the initial terms of the appointees will be staggered, so at a minimum the selection procedure would be required at least once each year.

*Elimination of the Advisory Council for the Bureau of Water and Resource Regulation and the Bureau of Lands and Cultural Resources:* The bill eliminates a 12-member advisory council that advises the NRC and the Director of DNR with respect to the policy, administration, and programs under the control and management of the two bureaus. The Council is required to meet at least every two months, and members are entitled to receive traveling expenses that are necessarily incident to the performance of official functions. In 2010, the expenses of the advisory council were almost \$11,000.

**Explanation of State Revenues:** The bill would provide that rules adopted by the Natural Resources Commission or the DNR before the effective date of the bill, including the establishment of fees for licenses or inspections, would continue to be in effect until the rules expire or are amended or repealed by the HFT Commission. Impact on fee revenue, which is used to fund the operations of the Fish and Wildlife Division, would depend on actions taken by the HFT Commission.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Natural Resources Commission, DNR.

**Local Agencies Affected:**

**Information Sources:** DNR.

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